IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14647 of 2004

Between:

D.Sambasivarao, s/o Subbaiah,
Irukupalem Village, Muppalla Mandal, Guntur District.

... PETITIONER

AND

1 The Joint Collector, Guntur District, Guntur.
2 The Revenue Divisional Officer, Guntur.
3 The Mandal Revenue Officer, Muppalla Mandal, Guntur District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly one in the nature of writ of mandamus, declaring the proceedings of the 2nd respondent vide Rc.No.2425/04/B dated 4-6-2004 as illegal, arbitrary, politically motivated and violative of principles of natural justice and consequentially set aside the same

Counsel for the Petitioner: MR.M.PRABHAKARA RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following order:

ORDER:

The petitioner is the authorised dealer in respect of the Fair Price Shop of Irukupalem village, Muppalla Mandal, Guntur District. The authorisation of the petitioner was suspended by order dated 04.06.2004 by the second respondent-The Revenue Divisional Officer, Guntur. The petitioner was also served with a show cause notice in Rc.No.2425/04/B dated 04.06.2004 specifying alleged irregularities committed by him in distribution of the essential commodities.

The petitioner states that he has already submitted his explanation but the enquiry is not completed so far. He also states that against the order of suspension dated 04.06.2004, he preferred an appeal before the first respondent-The Joint Collector, Guntur, along with an application for stay of operation of the order of suspension. The grievance of the petitioner is that neither the enquiry has been completed by the Revenue Divisional Officer, Guntur, nor the first respondent-The Joint Collector, Guntur, considered his appeal and no orders have been passed even on his application for stay. But, in the meanwhile, the respondents are making attempts to appoint a new dealer in respect of the shop in question.

I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

Having regard to the facts and circumstances and particularly keeping in view the fact that the petitioner has already availed the statutory remedy of appeal which is pending before the first respondent, without expressing any opinion on the merits of the case, I deem it appropriate to direct to the first respondent to consider the application for stay filed by the petitioner in the appeal against the order of suspension dated 04.06.2004 and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of one week from the date of this order. It is also made clear that till the enquiry initiated against the petitioner is completed no permanent appointment shall be made in respect of the shop in question.

Hence, the writ petition is disposed of with the above direction. No costs.

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(G. ROHINI, J)

August 18, 2004

Dsk/Gbs

To

1 The Joint Collector, Guntur District, Guntur.
2 The Revenue Divisional Officer, Guntur.
3 The Mandal Revenue Officer, Muppalla Mandal, Guntur District.

4 Two CCs to GP For CivilSupplies, High Court Buildings, Hyderabad.(out)

5 Two CD Copies.